

## **MINUTES - ZONING BOARD**

September 23, 2019

The workshop portion of the meeting was called to order at 7:35 p.m. by Mr. Marotta, Chairman.

### **ROLL CALL:**

#### **Members Present:**

Mr. Marotta  
Ms. Daly  
Mr. Aschenbach  
Mr. Ashrafi  
Mr. Salomon

#### **Members Absent:**

Mr. Bovasso  
Ms. Drake

#### **Alternates Present:**

Mr. Quinn

#### **Alternates Absent:**

None

Also in attendance: Mark Rothman, Esquire, and Kathy Lenahan, Board Administrator

### **COMMUNICATIONS:**

None

### **MINUTES:**

Motion to adopt minutes of the Closed Session of September 9, 2019 was made by Ms. Daly, seconded by Mr. Salomon and passed by unanimous voice vote.

Motion to adopt minutes of the Workshop and Official meeting on September 9, 2019, as amended, was made by Mr. Salomon, seconded by Ms. Daly and passed by unanimous voice vote.

### **RESOLUTION:**

1. Application # ZBA 19-006  
Applicant: DB Walnut Avenue LLC  
109 Walnut Avenue  
Block: 478 Lot: 10.01 DB Zone

Applicant is requesting amended major site plan approval to modify the commercial space of the ground floor; this will require alterations to the previously approved floor plans as well as the façade of the building.

The Resolution of Memorialization (attached and made part of these minutes), was reviewed by the Board. A motion to approve the resolution was made by Ms. Daly, seconded by Mr. Salomon and passed on roll call vote.

Affirmative vote: Mr. Marotta, Ms. Daly, Mr. Salomon and Mr. Ashrafi

Opposed: None

Counsel from Prime Law, (applicant's law firm) was in attendance.

### **OLD/NEW BUSINESS**

Motion to go into closed session made by Ms. Daly, seconded by Mr. Salomon and passed on unanimous voice vote.

Motion to go into open session made by Ms. Daly, seconded by Mr. Ashrafi, and passed on unanimous voice vote.

Motion to authorize the engagement of professional services was made by Mr. Aschenbach, seconded by Ms. Daly and passed by roll call vote.

Affirmative: Mr. Marotta, Ms. Daly, Mr. Aschenbach, Mr. Ashrafi, Mr. Salomon and Mr. Quinn.

Opposed: None

The workshop portion of the meeting concluded at 7:49 p.m.

### **PUBLIC PORTION:**

A public meeting of the Cranford Board of Adjustment was called to order by Mr. Marotta on September 23, 2019 at 7:50 p.m. in Room 107 of the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey. Mr. Marotta announced in accordance with the terms and conditions of the Open Public Meetings Act, the Westfield Leader or Star Ledger has been notified and the agenda posted in the municipal building as required.

Mr. Marotta explained the protocol, purpose and procedure that will be followed during the hearing.

Mr. Marotta also announced that the Zoning Board meeting scheduled for November 4<sup>th</sup> has been cancelled.

1. **Application # ZBA 19-008**  
**Applicant: Kevin & Blair McGrath**  
**110 Thomas Street**  
**Block: 516 Lot: 4, R-1 Zone**  
**Applicant is requesting a c(2) variance for construction of a second story bridge to connect the primary structure (house) to an accessory structure (garage).**

**The minimum required side yard setbacks are 30% of lot width or 30 feet combined, where the proposed combined side yard setbacks equal 24.4 feet. §255-34, Attachment 1, Schedule 1.**

Kevin & Blair McGrath appeared and were sworn in. Mr. Rothman asked the applicants about the date of the certified mailings. Mrs. McGrath stated she wrote the incorrect date on the affidavit and that it was the 5<sup>th</sup> and has the receipt from the post office for verification.

Ronald Meeks appeared and was sworn in. Stated he will be testifying as a design architect and a planner. His licenses are valid to practice in the State. He was accepted as an expert. Mr. Meeks reviewed the application. Presented a drawing marked Applicant 1 which consisted of 3 sheets. The drawing included a zone map, tax map, and the existing and proposed site plan. Reviewed the existing conditions and the proposed conditions. Applicant is requesting to connect the house to the garage, maintaining the side yard setbacks. Connecting existing structure to the garage requires 30% minimum side yard setback. Proposed connection will join the second-floor landing of the house to upper level of the garage. Reviewed the elevations of the house. Pedestrians will be able to pass underneath. The siding, windows and roofing will match existing house. The space will be used as a family room. Presented a photograph marked Applicant 2 which shows the current house and elevation with the garage on the left. New construction is set back from the front façade of the house by 20 feet, 49 feet from property line, 56 feet from sidewalk and 70 feet from curb. Presented exhibit marked Applicant 3 which is a picture of a similar home at 371 Lincoln Ave E. Additional space is only suited for extra family living and will not be tenant space. Height of garage will be brought into compliance along with family space being in compliance with life safety standards including fire alarms and energy codes. There is no detriment to the public good and there will be little change to light, air, and open space. There is no negative impact to the neighborhood.

Questions posed by the Board ascertained the following:

Will remain a single-family home and will not be used for a home business or professional space. It is currently being used as storage and is not finished space. Space will have a full bathroom with new plumbing. Drainage will tie into sewer line. Will not affect the neighbors and is 17.2 feet from the neighbor's property line and located on the second floor. There is no change to any of the setbacks or the roofline and the dormer will remain.

Mr. Rothman asked about the impervious coverage and the walkway.

Mr. Meeks stated there is an existing walkway which is included in the calculation. There is an increase of 67 sq. ft. of impervious coverage. Stated per the zoning officer, the 67 feet is the bridge being counted as impervious coverage.

There were no further questions by the Board.

Mr. Marotta asked if the Public had any questions for this witness. No one appeared.

Mr. Marotta asked if anyone wished to speak for or against this application. The following appeared:

Kelly Loughney - 501 Orchard Street – appeared and was sworn in. Stated he is in favor of the application. Feels it would be a good structure for a growing family and it will add value to the neighborhood.

No one else appeared and this portion of the hearing was closed with the matter referred back to the Board.

**2. DELIBERATION OF # ZBA 19-008**

**Applicant: Kevin & Blair McGrath**

**110 Thomas Street**

**Block: 516 Lot: 4, R-1 Zone**

**Applicant is requesting a c(2) variance for construction of a second story bridge to connect the primary structure (house) to an accessory structure (garage). The minimum required side yard setbacks are 30% of lot width or 30 feet combined, where the proposed combined side yard setbacks equal 24.4 feet. §255-34, Attachment 1, Schedule 1.**

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Applicant is not removing trees. Likes the application. Lincoln Avenue house looks nice.

Will add to neighborhood. Nice to see people investing in the community and upgrading with safety features.

Motion to approve Application # ZBA-19-008 was made by Mr. Salomon, seconded by Mr. Ashrafi, with the following voting in favor of the motion: Mr. Marotta, Ms. Daly, Mr. Aschenbach, Mr. Ashrafi, Mr. Salomon and Mr. Quinn

**3. Application # ZBA 19-012**

**Applicant: Matthew DiGiovanni**

**22 Cherokee Road**

**Block: 616 Lot: 26, R-4 Zone**

**Applicant is requesting a c(1) and a c(2) variance for construction of a new garage on an irregularly shaped lot. The minimum total side yard setbacks are 30% of lot width or 16.9 ft. combined, where the proposed combined side yard setbacks are 15.5 ft. Minimum side yard setback of 10% of lot width or minimum of 7 ft. where 6.5 ft. is existing and 5 ft. is proposed §255-34, Attachment 1, Schedule 1.**

Gary Goodman, Esq. appeared and explained the application. Stated the applicant is requesting to move a garage forward. Applicant intends to reside in home with his wife and by moving the garage forward will have more backyard area. Garage will be made large enough to comply with

the size ordinance of 10 x 20 whereas now it is 18 x 9. Stated there are many nonconformities on the property and five of them will be brought into compliance.

Avelino Martinez appeared and was sworn in. His credentials were presented and he was accepted as an expert in the field of architecture. Reviewed drawings (4 sheets) marked Applicant 1. Stated the applicant wants to relocate a garage from the rear which is unusable for parking and is in poor condition. Will shift closer to the front of the house and reduce the impervious coverage by shortening the driveway. Property currently has 43% impervious coverage and applicant will bring coverage to 40% and be in compliance. Side yard requirement is 10% of lot width, 7.0 feet is required and 5 feet is being proposed. Total side yard required is 16.9 feet where 15.5 feet is proposed. Existing chain link fence will be removed in front yard. Garage will be lower than the house. Proposed height is 22.4 feet from finished floor to highest point of roof but will still be lower than the house. Finishes would match the home.

Mr. Marotta asked if the Public had any questions for this witness. No one appeared.

Anthony Gallerano appeared was sworn in. His credentials were presented to the Board and he was accepted as an expert in the fields of engineering and planning. Reviewed the variances and nonconformities of the application. Reviewed the design features that are not in compliance. Stated there will be a number of improvements plus a reduction of impervious coverage of 155 sq. ft. There will be a green space between the driveway and the property line. The nonconforming lot width does create a hardship on the property. Reviewed the positive and negative criteria. Will not have a negative impact on the surrounding area and the nonconformities being eliminated will have a positive impact.

Mr. Rothman asked Mr. Gallerano about the Township engineer's letter regarding site work.

Mr. Gallerano stated the applicant will comply with all the engineer's comments. Discussed the "as built" with reference to the garage.

Mr. Marotta asked if the Public had any questions of this witness. No one appeared.

Matthew DiGiovanni appeared and was sworn in. Stated his intention is to occupy the property with his wife. Began construction on the house knowing that they would need to apply for a variance for the garage. He may wait to do the garage until funds are available. Could have left the garage as part of the house, but it is not in good condition. To conform to building standards, they would like to increase the size of garage to fit a car.

Questions posed by the Board ascertained the following:

Proposed patio has been factored into the 40% impervious coverage. Garage is still connected to the existing building. Over garage is potential living space, but existing garage does not have any living space. Side yard needs to be small so that the garage can conform to the standards. Will be removing the concrete pad and re-pouring the pad to install garage next to the house. There will be no access from the garage into the house.

Mr. Marotta asked if the Public had any questions for this witness. No one appeared.

Mr. Goodman summarized the application. Stated the applicant is eliminating nonconforming conditions and improving the visual in the neighborhood. There will be a larger backyard for the applicant and his family.

Mr. Marotta asked if the Public wished to speak for or against this application. No one appeared.

No one else appeared and this portion of the hearing was closed with the matter referred back to the Board.

- 4. Application # ZBA 19-011**  
**Applicant: Christopher & Melissa D'Mello**  
**6 Martin Place**  
**Block: 471 Lot 3, R-3 Zone**  
**Applicant is requesting a c(2) variance for construction of a porch. The minimum requirement for a front yard setback is 25 ft. where 20 ft. is being proposed**  
**§255-34 Attachment 1 Schedule 1.**

Christopher D'Mello appeared and was sworn in. Mr. D'Mello explained the application. Stated the plot is irregular in size and the front boundary is 1/3 the size of the rear boundary. The first 3 ½ feet of driveway is the right-of-way belonging to the Town. Stated the porch is configured like a u-shape. Has approval for the two sides of the porch, but needs approval for the connection of platform. Requesting a 5-foot variance for the connection of the porch. Stated several homes around the cul de sac do have porches. Discussed the DRC letter dated August 15<sup>th</sup>.

Questions posed by the Board ascertained the following:

It is a hardship due to the configuration of the porch and the cul de sac. The approved portion of the porch has already been constructed. There is a 6-foot fence on property and a public access walkway which is 2 feet inside the property line. Fence was approved by the zoning office.

Mr. Rothman asked about the Township engineer's letter and asked if he would comply with all the conditions in the letter. Also asked about the storm water calculations for project and a revised plan.

Mr. D'Mello stated he would comply with the conditions in the engineer's letter. As part of the already approved plan, there is a storm water plan in place which would extend to this application. Referred to a letter from the zoning officer stating this project will increase the impervious coverage by 290 feet, which does not require additional storm water management. Stated he has a letter from an engineer that he hired stating it would be able to handle the storm water.

Mr. Marotta stated if the application was granted, the applicant would need to comply with all storm water requirements per the Township Engineer.

Mr. D'Mello stated he would comply with all requirements by the Township Engineer. He would not be able to get the Certificate of Occupancy (CO) for the property until everything meets with Township approval.

Mr. Marotta asked if the Public had any questions for this witness. No one appeared.

Mr. Marotta asked if the Public wished to speak for or against this application. No one appeared.

No one else appeared and this portion of the hearing was closed with the matter referred back to the Board.

**5. DELIBERATION OF Application # ZBA 19-012**

**Applicant: Matthew DiGiovanni**

**22 Cherokee Road**

**Block: 616 Lot: 26, R-4 Zone**

**Applicant is requesting a c(1) and a c(2) variance for construction of a new garage on an irregularly shaped lot. The minimum total side yard setbacks are 30% of lot width or 16.9 ft. combined, where the proposed combined side yard setbacks are 15.5 ft. Minimum side yard setback of 10% of lot width or minimum of 7 ft. where 6.5 ft. is existing and 5 ft. is proposed §255-34, Attachment 1, Schedule 1.**

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

It is a small amount of nonconformity. Will be eliminating a lot of previous non-conforming issues. Good to see residents investing in their properties and bringing buildings into compliance.

Motion to approve Application # ZBA-19-012 was made by Ms. Daly, seconded by Mr. Aschenbach with the following voting in favor of the motion: Mr. Marotta, Ms. Daly, Mr. Aschenbach, Mr. Ashrafi, Mr. Salomon and Mr. Quinn.

**6. DELIBERATION OF Application # ZBA 19-011**

**Applicant: Christopher & Melissa D'Mello**

**6 Martin Place**

**Block: 471 Lot 3, R-3 Zone**

**Applicant is requesting a c(2) variance for construction of a porch. The minimum requirement for a front yard setback is 25 ft. where 20 ft. is being proposed §255-34 Attachment 1 Schedule 1.**

Mr. Marotta reviewed the testimony.

Board comments consisted of the following:

Concerned about impervious issue. Does a board need documentation from professionals that application is in compliance. Issue is due to a lot configuration. Since the applicant is doing a larger project, there will be more inspections and approvals. Applicant is willing to comply with all

conditions. Change only increases 290 feet, but the storm water management in place needs to be adequate.

Mr. Rothman stated the Board has discretion to vote on an application subject to conditions. If the applicant does not provide what is required by the Board, that applicant would not get a CO. This application does not trigger a separate storm water plan because it is less than 300 feet. However, due to current renovations being done, a storm water management plan is necessary.

Mr. Rothman reviewed the notice for the c(2) variance versus a c(1) variance and provided clarification on the notice.

Mr. D'Mello stated he did fill out the form as a c(2) variance. Stated the comments from the Engineer were provided to him a few days ago.

Motion to approve Application # ZBA-19-011 was made by Mr. Ashrafi, seconded by Ms. Daly with the following conditions: that the storm water management is incorporated into the new improvements, and the zoning officer and all appropriate Township officials be provided information to that fact. Also, confirmation from Maser Consulting that they have reviewed the calculations from the applicant's engineer and a CO will not be issued without Maser's approval. The following voting in favor of the motion: Mr. Marotta, Ms. Daly, Mr. Aschenbach, Mr. Ashrafi, Mr. Salomon and Mr. Quinn.

#### **PUBLIC PORTION:**

None

#### **CONCLUSION:**

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 9:08 p.m.

---

Robert Bovasso, Secretary